

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION

UNITED STATES OF AMERICA

V.

GARY DEASHAN HILL

*
*
*
*
*

CRIMINAL NO. W-18-CR-054(3)

FACTUAL BASIS

Had this case proceeded to trial, the United States Attorney for the Western District of Texas was prepared to prove and would prove beyond a reasonable doubt that:

Beginning in or about 2009, the exact date unknown, and continuing until in or April, 2013, in the Western District of Texas and elsewhere, Defendant,

GARY DEASHAN HILL,

and others both known and unknown to the Grand Jury, did unlawfully and willfully combine, conspire, confederate and agree together and with each other and others, to possess with intent to distribute and did distribute a controlled substance, which offense involved a mixture or substance containing a detectable amount of heroin, a Schedule I Controlled Substance, contrary to Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C), and in violation of Title 21, United States Code, Section 846.

Specifically, the United States Attorney would prove beyond a reasonable doubt that:

In 2009, Investigator David Starr, with the Waco Police Department, Drug Enforcement Unit (WPD DEU), received information that Donta Stuart was selling heroin in the Waco, Texas area. He began investigating Stuart and the people who worked for him, either by capping heroin and/or distributing heroin. In early 2010, Investigator Starr began receiving information regarding **LEONARD BORDEN**. He learned that **BORDEN** lived in Fort Worth and distributed black tar heroin to Stuart and others. Investigation revealed that Stuart had been buying tar from **BORDEN** since March of 2009.

Stuart began by buying ¼-ounce amounts of tar for \$425 to \$550. At some point Stuart started buying two ounces at a time and then kept increasing the amounts that he was buying from **BORDEN** up to about 15 ounces at a time. **BORDEN** charged approximately \$1,600 per ounce.

On two occasions during this investigation, agents with WPD and Drug Enforcement Administration (DEA) went to Fort Worth with Stuart and had Stuart do two one-ounce controlled buys of black tar heroin from **BORDEN**. On one of these occasions, surveillance saw **BORDEN** and Stuart meet with another individual to pick up the tar.

In 2013, Investigator Chet Long (WPD DEU) was conducting another heroin investigation in Waco. During that investigation, investigators encountered **JAMES LUCAS**. **LUCAS** was a heroin addict who cut and blended all of Donta Stuart's black tar heroin into capsules for distribution. The investigation revealed that on a regular basis, Stuart would bring 15 to 20 ounces of black tar heroin to Waco from the DFW area. On average, **LUCAS** would cap 15 to 16 ounces at a time. This occurred at least 36 times over about a two year time frame. By **LUCAS'** estimates, he capped around 30 kilos of heroin for Stuart. Stuart would bring cases of the cutting agent Dormin and thousands of empty capsules that he picked up in Fort Worth. Stuart would re-supply every 8 to 10 days. At that time, Stuart sold the capsules to his pushers for \$4.50 to \$5.00 each.

In the summer of 2013, Investigator Starr debriefed CI#1 and CI#2, who discussed buying heroin from Stuart, and if each of them could not contact Stuart, each would contact **BOBBY TILLIS**, who both CI's knew distributed heroin for Stuart. CI#1 would buy 20 caps at a time from Tillis. CI#2 would buy smaller amounts from **TILLIS**. CI#2 also advised that **JAMES LUCAS** was the man who capped all of Stuart's heroin. CI#3 was interviewed and also admitted buying heroin from **TILLIS** in the past. CI#3 was aware that **TILLIS** worked for Stuart selling his heroin.

CI#2 also knew that **ERIC McCULLOUGH** was a heroin dealer who worked for Stuart. Investigation revealed that Stuart had been supplying heroin to **McCULLOUGH** for at least a year in amounts of ½-ounce of black tar heroin at least 20 times. Stuart would also supply **McCULLOUGH** with capsules of heroin, normally 100 capsules at a time for at least 20 times.

On September 6, 2013, WPD executed a heroin search warrant on the residence of **GARY HILL**. During that search warrant, a small quantity of heroin was recovered. WPD spoke to **GARY HILL** about his drug dealing. **HILL** said that he was getting his heroin from Donta Stuart. **HILL** said that he bought 50 capsules a week from Stuart for at least 5 months. **HILL** said there might have been times that he got more than 50 but on average, it was 50. Investigation revealed that Stuart supplied **HILL** with heroin capsules for at least two years and that on average **HILL** would get at least 50 capsules at a time. There were some occasions when **HILL** would get 100 capsules. Stuart supplied heroin to **HILL** on at least 50 occasions.

Investigator Starr's investigation also revealed that Donta Stuart supplied **CLARENCE POSEY** with 50 capsules of heroin at a time, on at least 40 occasions. At a later date, Stuart made a controlled buy of an ounce of black tar heroin from **POSEY**. **POSEY** had contacted Stuart prior to that and said that he had his own supplier and that if Stuart needed any he could take care of it.

Respectfully submitted,

JOHN F. BASH
United States Attorney

/s/ Stephanie Smith-Burris

By: **STEPHANIE SMITH-BURRIS**
Assistant United States Attorney